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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,768	11/17/2005	Eric Zimmerman	047P 1861	7260
23460 7590 04/01/2010 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER KELLY, CATHERINE A	
			ART UNIT 3634	PAPER NUMBER
			NOTIFICATION DATE 04/01/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/519,768

Applicant(s)

ZIMMERMAN ET AL.

Examiner

CATHERINE A. KELLY

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 4089134 to Koike in view of US patent 5855095 to Dedrich. The motor vehicle door of claim 1 is shown in the '134 reference in figures 1-10 where windowpane 13 movable therein; at least one window-lifting rail 22 for guiding the windowpane; and a module support 11 attached in the interior of the motor vehicle door (unnumbered but clearly shown) for accommodation of elements such as rails 22, wherein the module support 11 comprises at least one receiver 46 for retaining the window-lifting rail 22 in the module support 11 wherein the window-lifting rail 22 assumes a clearly defined position in relation to the module support-and additionally the module support 11 comprises at least one receiver 44 having a projection supporting a step support of the window lifting rail 22 via rail projection 42 for accommodating the vertical weight forces

of the window lifting rail with a bore 44c running in the vehicle vertical axis, a screwing (unnumbered but clearly shown in figure 5 running through bores 42c and 44c) running in the direction of the vehicle vertical axis through the bore 44c, for fixation of the window lifting rail 22, to ensure that this screwing does not need to accommodate weight forces of the window lifting rail.

However, the '134 reference does not show details of the positive fit receiver so it is not clearly a positive fit receiver.

A positive fit receiver is shown in the '095 reference in figures 1-3 where panel 10 has positive fit receivers 18 that fix the position of window guide 16 holding guide engagement member 36 in receiver slot 22 via groove 40 in member 36.

One of ordinary skill in the art would be motivated to provide the door of the '134 reference with the positive fit retainer of the '095 reference because the bracket with slot and engaging member receiver were known receivers in the art at the time of invention and thus it would be simple substitution of one known receiver for another and further because the receiver of the '095 reference can allow for better fit or alignment of the rails and module.

Regarding claim 2, engaging member 36 has a screw 32 in the '095 reference.

Regarding claim 5, one rail 22 is shown on the door of the '134 reference.

Regarding claim 6, the rail 2 of the '134 reference is made of metal as shown via the cross-hatchings, see MPEP 608.02.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4089134 and US 5855095 as applied to claims 1, 2, 5, and 6 above, and further in

view of US PG pub 2004/0049988 to Reul. Neither the '134 nor the '095 reference show the pin connector of claim 3. The pin is shown in the '988 in figure 1-2b where panel 5 is connected to module 1 via pin 56. One of ordinary skill in the art would be motivated to provide the door of the '134 reference having the positive fit retainer of the '095 reference with the pin connector of the '988 reference because pin connectors were well known in the art at the time of invention and additional connectors would allow for more secure connection between rail and module and thus provide increased durability for the door assembly.

Regarding claim 4, only one pin 56 is shown in the '988 reference. However, the use of multiple pins would be mere duplication of parts. One of ordinary skill in the art would be motivated to use two pins because more pins can allow for a more secure connection since if one pin fails the other pin can still maintain the connection.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4089134 and US 5855095 as applied to claims 1, 2, 5, and 6 above, and further in view of US PG pub 2004/0049988 to Reul. Neither the '134 nor the '095 reference shows the plastic module of claim 7. A plastic module is taught in the '988 reference in paragraph [0016]. One of ordinary skill in the art would be motivated to provide the door of the '134 reference having the positive fit retainer of the '095 reference with the plastic module of the '988 reference because plastic was a well known and readily available material in the art and was known to have the benefits of being durable, relatively light weight, and easy to manufacture (see '988 reference paragraph [0016]).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4089134 and US 5855095 as applied to claims 1, 2, 5, and 6 above, and further in view of US PG pub 2004/0049988 to Reul. Neither the '134 nor the '095 reference shows the module attached to a door frame with outer and inner door panels or skins surrounding it of claims 8 and 9. This is shown in the '988 reference in figure 5 where module P attaches to door frame K and has panel V to the inside of module P. The outer panel is not shown but is taught via the wet space of paragraph [0019]. The drawn profile module 1 is shown in figures 1-3. One of ordinary skill in the art would be motivated to provide the door of the '134 reference having the positive fit retainer of the '095 reference with the door panel arrangement of the '988 reference because such multi layer doors were well known in the art at the time of invention and were beneficial in keep water out of the interior as evidenced by the wet and dry side portions (see paragraph [0019]).

Regarding claim 10, socket 28 for a speaker on module 1 is shown in the '988 reference.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 9am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./
Examiner, Art Unit 3634

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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